

Ex. 1 - Sanctions & Show Cause

<u>DATE</u>	<u>NARRATIVE</u>	<u>TIME-KEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>VALUE</u>
8/30/2022	2 emails with client re: settlement, settlement and release agreement, and need for issuance of payment	BCN	0.4	\$ 350.00	\$ 140.00
8/30/2022	Email to T. Gammill re: agreement to enter Joint Notice of Settlement	BCN	0.1	\$ 350.00	\$ 35.00
8/30/2022	Initial drafting of terms of settlement and release agreement	BCN	0.2	\$ 350.00	\$ 70.00
8/30/2022	Draft Settlement and Release Agreement.	KAH	2.6	\$ 255.00	\$ 663.00
8/31/2022	Continue drafting settlement and release agreement.	KAH	0.4	\$ 255.00	\$ 102.00
9/1/2022	2 emails with W. Griffin re: his complaints, as public adjuster, re: the settlement that was reached	BCN	0.4	\$ 350.00	\$ 140.00
9/1/2022	Telephone conference with client re: difficulties with Plaintiff's public adjuster and potential issues for settlement reached between the parties	BCN	0.1	\$ 350.00	\$ 35.00
9/1/2022	Emails with third party, Claude Heath, regarding settlement and payment to him	KAH	0.3	\$ 255.00	\$ 76.50
9/1/2022	Emails with client regarding whether there is a current policy issued for insured's property in preparation for drafting Settlement and Release Agreement.	KAH	0.1	\$ 255.00	\$ 25.50
9/2/2022	Review correspondence from William Griffin refusing to provide his W-9 and alleging that Plaintiff had assigned his claim.	KAH	0.1	\$ 255.00	\$ 25.50
9/2/2022	Review of 2 emails from W. Griffin complaining about our request for a W-9 and the alleged assignment of benefits regarding settlement reached	BCN	0.3	\$ 350.00	\$ 105.00
9/2/2022	Continue drafting settlement and release agreement.	KAH	0.4	\$ 255.00	\$ 102.00
9/6/2022	3 telephone conferences with T. Gammill re: "mystery" author of P&G Construction email re: claim for rights to settlement and Mike Clark's allegation that no settlement was reached	BCN	1.5	\$ 350.00	\$ 525.00
9/6/2022	3 emails with "mystery" author at P&G Construction of email re: claim for rights to settlement and Mike Clark's allegation that no settlement was reached	BCN	0.5	\$ 350.00	\$ 175.00
9/6/2022	Review information submitted by public adjuster re: alleged dispute as to whether a settlement was reached with Mr. Clark or whether he is the true party in interest	BCN	0.4	\$ 350.00	\$ 140.00
9/12/2022	Email from P&G Construction re: alleged assignment of claim and Plaintiff's statements that no settlement had been reached	BCN	0.2	\$ 350.00	\$ 70.00
9/12/2022	3 emails with client and client re: P&G Construction's alleged assignment of claim, options for court relief, and enforceability of settlement agreement	BCN	0.6	\$ 350.00	\$ 210.00
9/12/2022	Review options available under Western District of Tennessee rules for emergency hearing given Plaintiff's unexpected behavior via email following settlement agreement	BCN	0.3	\$ 350.00	\$ 105.00
9/13/2022	Review of Tennessee law re: conflict of interest for public adjuster and options to seek dismissal of claim or enforcement of settlement agreement	BCN	0.5	\$ 350.00	\$ 175.00
9/14/2022	Telephone conference with client re: facts that have led to likely settlement impasse and options for relief	BCN	0.3	\$ 350.00	\$ 105.00
9/14/2022	Initial drafting of motion for sanctions re: P&G's failure to file suit, follow Court orders, and other available relief	BCN	0.6	\$ 350.00	\$ 210.00

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9/14/2022	Continue conducting legal research regarding whether P&G is required to be a named party in the lawsuit	KAH	1.2	\$ 255.00	\$ 306.00
9/14/2022	Conduct legal research regarding Supreme Court of the United States case addressing real party in interest and Sixth Circuit court interpretation	KAH	2.1	\$ 255.00	\$ 535.50
9/16/2022	2 telephone conferences with mediator re what occurred during the mediation at issue in order to address Plaintiff's new, unexpected position	BCN	0.4	\$ 350.00	\$ 140.00
9/19/2022	Drafting of "show cause" portion of Motion related to improper named plaintiff	BCN	0.4	\$ 350.00	\$ 140.00
9/19/2022	Draft declaration in support of Motion for Sanctions and to Show Cause.	KAH	2.5	\$ 255.00	\$ 637.50
9/19/2022	Conduct legal research regarding whether statute of limitations is equitably tolled when the wrong party in interest brings suit.	KAH	0.6	\$ 255.00	\$ 153.00
9/19/2022	Draft facts section of Memorandum in Support of Motion for Sanctions and to Show Cause.	KAH	2.3	\$ 255.00	\$ 586.50
9/20/2022	Revisions to proposed Declaration of Jennifer Moen in support of motion for sanctions and to show cause	BCN	0.5	\$ 350.00	\$ 175.00
9/20/2022	Continue drafting declaration in support of Motion for Sanctions and to Show Cause.	KAH	1.0	\$ 255.00	\$ 255.00
9/21/2022	Revisions to Motion to Show Cause to add new sanctions sought	BCN	0.4	\$ 350.00	\$ 140.00
9/21/2022	Telephone conference with client re: facts to be addressed in draft Declaration	BCN	0.1	\$ 350.00	\$ 35.00
9/21/2022	Review deposition transcript from Mr. Clark's deposition related to assignment of claim, damages at issue, and William Griffin's involvement for relevant portions to include in Motion for Sanctions	BCN	0.6	\$ 350.00	\$ 210.00
9/21/2022	Continue drafting Declaration in support of Motion for Sanctions and to Show Cause.	KAH	1.3	\$ 255.00	\$ 331.50
9/21/2022	Continue drafting memorandum in support of Ohio Security's Motion for Sanctions and to Show Cause.	KAH	1.9	\$ 255.00	\$ 484.50
9/22/2022	Continue drafting facts section of memorandum of law in support of Motion for Sanctions and to Show Cause.	KAH	1.3	\$ 255.00	\$ 331.50
9/22/2022	Draft analysis section of memorandum of law in support of Motion for Sanctions and to Show Cause regarding Plaintiffs' failure to timely provide the alleged assignment of claim agreement.	KAH	2.9	\$ 255.00	\$ 739.50
9/22/2022	Draft analysis section of memorandum of law in support of Motion for Sanctions and to Show Cause requesting attorneys' fees for attending mediation with alleged wrong party in interest.	KAH	2.9	\$ 255.00	\$ 739.50
9/23/2022	Telephone conference with client re Declaration in support of motion	BCN	0.3	\$ 350.00	\$ 105.00
9/24/2022	Draft analysis section of memorandum in support of Motion for Sanctions and to Show Cause regarding that Plaintiff should be dismissed as the alleged wrong party in interest.	KAH	3.4	\$ 255.00	\$ 867.00
9/24/2022	Draft analysis section of memorandum of law in support of Motion for Sanctions and to Show Cause regarding that the case should be dismissed in its entirety where Plaintiff is wrong party in interest.	KAH	0.5	\$ 255.00	\$ 127.50

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9/25/2022	Continue drafting analysis section of Memorandum in Support of Motion for Sanctions and to Show Cause regarding Plaintiff's failure to timely produce initial disclosures or the alleged assignment of claim.	KAH	2.6	\$ 255.00	\$ 663.00
9/26/2022	Revisions to Memorandum of Law in Support of Motion for Sanctions	BCN	0.6	\$ 350.00	\$ 210.00
9/26/2022	Telephone conference with client and Liberty adjuster re: need for Declaration to be attached to Motion for Sanctions	BCN	0.2	\$ 350.00	\$ 70.00
9/26/2022	Continue drafting analysis section of Memorandum in Support of Motion for Sanctions and to Show Cause regarding need for additional discovery based on Plaintiff's alleged assignment of claim.	KAH	0.6	\$ 255.00	\$ 153.00
9/27/2022	Emails with client rep. signing Declaration in support of Motion for Sanctions and to Show Cause regarding substantive claims and defenses.	KAH	0.2	\$ 255.00	\$ 51.00
9/28/2022	Final drafting of Motion for Sanctions	BCN	0.7	\$ 350.00	\$ 245.00
9/28/2022	Final drafting of Memorandum of Law in Support of Motion for Sanctions to address client concerns and transform sanctions sought	BCN	2.9	\$ 350.00	\$ 1,015.00
9/28/2022	Emails with client regarding draft Motion for Sanctions and to Show Cause and recommended edits to Motion.	KAH	0.6	\$ 255.00	\$ 153.00
9/28/2022	2 emails with mediator re: potential options to resolve issues re: unpaid mediator's fees	BCN	0.2	\$ 350.00	\$ 70.00
9/28/2022	Telephone conference with mediator re: potential options to resolve issues re: unpaid mediator's fees	BCN	0.1	\$ 350.00	\$ 35.00
9/29/2022	Email to mediator re: need for revised invoice due to the fact Plaintiff will not honor settlement agreement	BCN	0.1	\$ 350.00	\$ 35.00
9/29/2022	Email to client and client filed Motion for Sanctions due to the fact Plaintiff will not honor settlement agreement and wrong party appeared at mediation	BCN	0.2	\$ 350.00	\$ 70.00
9/29/2022	Email to P&G Construction re filed Motion for Sanctions due to the fact Plaintiff will not honor settlement agreement and wrong party appeared at mediation and request for address information re: subpoenas to be served upon P&G Construction	BCN	0.2	\$ 350.00	\$ 70.00
9/29/2022	Email to mediator re: filed Motion for Sanctions due to the fact Plaintiff will not honor settlement agreement and wrong party appeared at mediation	BCN	0.1	\$ 350.00	\$ 35.00
10/3/2022	Email with client re: Judge Breen's assignment, revised invoice from mediator and likely results of Motion for Sanctions	BCN	0.5	\$ 350.00	\$ 175.00
10/3/2022	Review of Plaintiff's Response to Motion for Sanctions	BCN	0.2	\$ 350.00	\$ 70.00
11/10/2022	2 emails with mediator re: settlement and pending matters before Judge Breen	BCN	0.1	\$ 350.00	\$ 35.00
12/2/2022	Telephone conference with T. Gammill re: need to depose Plaintiff re alleged assignment of claim	BCN	0.4	\$ 350.00	\$ 140.00
1/18/2023	Email to unrepresented plaintiff, Mike Clark re: Court order for him to acquire new counsel and information re: how to reach Magistrate Judge York (action ordered by Magistrate Judge York at hearing)	BCN	0.3	\$ 380.00	\$ 114.00
1/30/2023	Continue conducting legal research re right to re-depose a party witness	KAH	0.7	\$ 275.00	\$ 192.50

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2/1/2023	Drafting of outline for legal argument regarding reasons why we are entitled to re-depose Mike Clark given new claims of Assignment of Claim and failure to honor settlement agreement for hearing with Magistrate Judge York	BCN	0.4	\$ 380.00	\$ 152.00
2/1/2023	Continue conducting legal research re right to re-depose a party witness	KAH	0.9	\$ 275.00	\$ 247.50
2/1/2023	Draft primer on whether good cause exists to re-depose Plaintiff, including whether Defendant has established "good cause" and examining factors of reasonableness, the burden on the witness, and the information sought	KAH	1.7	\$ 275.00	\$ 467.50
2/8/2023	Emails with D. Berkley re: efforts to discuss the failure of Plaintiff to agree to second deposition	BCN	0.4	\$ 380.00	\$ 152.00
2/8/2023	Review of Judge York's order re: Plaintiff sitting for second deposition and requirements re: same	BCN	0.1	\$ 380.00	\$ 38.00
2/28/2023	Email to D. Berkley re efforts to take the 2nd deposition of Mike Clark, his continued failures to abide court orders, and upcoming deadlines	BCN	0.3	\$ 380.00	\$ 114.00
3/2/2023	Email from opposing counsel re Mike Clark's efforts to comply with Court order	BCN	0.1	\$ 380.00	\$ 38.00
3/16/2023	Efforts to reach opposing counsel re: his continued refusal to make Plaintiff available for 2nd deposition and to produce court-ordered ESI	BCN	0.2	\$ 380.00	\$ 76.00
3/20/2023	2 emails with D. Berkeley re: continued failures to advise where Mr. Clark will be made available for a court-ordered deposition	BCN	0.2	\$ 380.00	\$ 76.00
3/23/2023	Drafting of Deposition questioning outline for second deposition of Michael Clark	BCN	0.7	\$ 380.00	\$ 266.00
3/23/2023	Review of 638 page claim file to designate all needed exhibits for deposition and to compare various documents produced by Mike Clark and William Griffin with documents at issue	BCN	1.5	\$ 380.00	\$ 570.00
3/24/2023	Taking of second deposition of Mike Clark	BCN	2.2	\$ 380.00	\$ 836.00
3/24/2023	Final preparation for deposition of Mike Clark to focus on differences between the two agreements produced by P&G Construction re alleged assignment of claim	BCN	0.4	\$ 380.00	\$ 152.00
3/24/2023	Review claim file materials, including both assignment of claim agreements received from P&G, email correspondence with P&G representatives following the settlement entered into with Mike Clark in August of 2022, and documents produced by P&G in response to Liberty's subpoena, in preparation for framing questions for upcoming deposition of Mike Clark	KAH	0.7	\$ 275.00	\$ 192.50
TOTAL			58.2		\$ 17,253.00